

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

TERRY W. WINGROVE and)	CASE NO. 5:19-cv-02148-SL
MARGARET A. WINGROVE)	
)	
Plaintiffs,)	JUDGE: Sara Lioi
)	
v.)	DEFENDANTS' MOTION FOR LEAVE
)	TO FILE THIRD-PARTY COMPLAINT
WYOMING CASING SERVICE,)	
INC., and RENE LOPEZ)	
)	
Defendants.)	
)	

Defendants Wyoming Casing Services, Inc., and Rene Lopez (“Defendants”), respectfully move this Honorable Court for leave to file a Third-Party Complaint.

In his Complaint, Plaintiff Terry Wingrove claims that he suffered bodily injury as a result of a motor vehicle collision with Defendant Rene Lopez, while in the course and scope of his employment with Defendant Wyoming Casing Services, Inc. Plaintiff was driving a truck with a flatbed trailer loaded with steel coil. As a result of Plaintiff applying the brakes, the steel coils became detached from the securing straps and chains, and then slid forward into the cab of Plaintiff's truck. During the course of investigation and discovery into the incident giving rise to Plaintiff's Complaint, Defendants have identified a third party who may bear some or all of the fault for Plaintiff's bodily injuries and damages.

In its Case Management Order, the Court established a March 25, 2020, deadline for parties to amend the pleadings. This Motion is filed in advance of the court deadline.

Federal Rule of Civil Procedure § 14(a)(1) provides that a potential third-party plaintiff "must, by motion, obtain the court's leave if it files a Third-Party Complaint more than 14 days after serving its answer." The assertion of this Third-Party Complaint will not delay the existing

deadlines set forth in the Court's Case Management Order. Defendants submit that good cause exists for them to assert this Third-Party Complaint and respectfully request this Court grant leave to file the proposed Third-Party Complaint attached to this Motion. Plaintiff's counsel has indicated he does not oppose this Motion.

Respectfully submitted,

/s/ Jonathan W. Philipp

Jonathan W. Philipp (#0043705)

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Attorney for Defendants

Wyoming Casing Service, Inc. and Rene Lopez

CERTIFICATE OF SERVICE

A copy of the foregoing was filed electronically via the CM/ECF system on this 20th day of March 2020, which will send notice to all parties to the case registered in the CM/ECF system, by operation of the Court's electronic filing system, and by email to the following parties:

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/s/ Jonathan W. Philipp
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EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

TERRY W. WINGROVE and
MARGARET A. WINGROVE

Plaintiffs,

V.

WYOMING CASING SERVICE,
INC., and RENE LOPEZ

Defendants.

WYOMING CASING SERVICE,
INC., and RENE LOPEZ

Defendants/Third-Party Plaintiffs,

V.

OHIO KENTUCKY STEEL LLC.
201 Commerce Center Drive
Franklin, Ohio 45005

Also serve Registered Agent for
Ohio-Kentucky Steel LLC
c/o John W. Hilbert
1000 Jackson St
Toledo OH 43604

Third-Party Defendant.

Defendants/Third-Party Plaintiffs Wyoming Casing Services, Inc., and Rene Lopez, as
and by way of Third-Party Complaint against Third-Party Defendant, Ohio Kentucky Steel
Corp., state as follows:

1. Plaintiff Terry Wingrove has filed a Complaint against the Defendants/Third-Party Plaintiffs alleging that he was damaged as a result of a motor vehicle incident on October 18, 2018 (the Incident”). A true copy of the Amended Complaint is attached hereto as Exhibit A. The Third-Party Plaintiffs do not admit to the truth of the allegations set forth in the Amended Complaint, and attached it to this pleading solely for the purposes of information and background.

2. At the time of the Incident, Wingrove was operating a tractor and flatbed trailer loaded with steel coil.

3. As a result of Plaintiff braking his tractor, the steel coils became detached from their securement and came loose, sliding into and through the rear of Wingrove's cab.

4. Third-Party Defendant Ohio Kentucky Steel LLC. (“Ohio Kentucky Steel”) was responsible for and did load the steel coils on the flatbed trailer operated by Wingrove. Ohio Kentucky Steel negligently failed to properly load and secure the steel coils so as to prevent them from coming loose during transport.

5. Ohio Kentucky Steel negligently failed to inspect the straps, chains and other securement devices to ensure they were safe, free from defect, and capable of securing the load of steel coils.

6. As a result of Ohio Kentucky Steel Corp.'s negligence, the steel coils came loose during transport, which was the sole and/or proximate cause of Wingrove's injuries and damages.

7. In the event Wingrove obtains a judgment or settlement against Third-Party Plaintiffs, then Third-Party Plaintiffs are entitled to common-law indemnification and/or contribution from Ohio Kentucky Steel as a joint tortfeasor.

WHEREFORE, Third-Party Plaintiffs demand judgment against Ohio Kentucky Steel LLC for all amounts adjudged against it by judgment or settlement, together with costs, and any other such relief this Court deems just and equitable.

Respectfully submitted,

/s/ Jonathan W. Philipp

Jonathan W. Philipp (#0043705)

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